Manitoba

Annual Report 1991 - 92

Rural Development

The Surface Rights Board

April 1, 1991 — March 31, 1992

Includes 10% post-consumer waste

93-02479/

Minister of
Rural Development

Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

His Honour
The Honourable George Johnson, M.D.
Lieutenant Governor of Manitoba
235 Legislative Building
Winnipeg, Manitoba
R3C 0V8

Your Honour:

I have the privilege to present for your information the Annual Report of The Surface Rights Board of Manitoba for the fiscal year ended March 31, 1992.

Yours Sincerely,

Len Derkach
Minister

Manitoba

Manitoba

Rural Development

The Surface Rights Board

408 — 800 Portage Avenue
Winnipeg, Manitoba, CANADA
R3G 0N4

(204) 945-0845

June 30, 1992

Honourable Len Derkach
Minister Responsible for
The Surface Rights Act
301 Legislative Building
Winnipeg, Manitoba
R3C 0V8

Sir:

In accordance with Section 15 of The Surface Rights Act, I am pleased to submit the Annual Report of The Surface Rights Board for the fiscal year ending March 31, 1992.

Respectfully submitted,

R. T. Smith, Q.C.
Presiding Member

TABLE OF CONTENTS

Title	Page
Surface Rights Board Members	1
Responsibilities of Board Members	2
Purpose of The Surface Rights Act	3
Powers of The Board	4
Board Activity 1991/1992	5, 6
Five Year Activity Summary	7
Board Orders Issued 1991/1992	8

THE SURFACE RIGHTS BOARD OF MANITOBA

MINISTER RESPONSIBLE FOR THE SURFACE RIGHTS ACT

Honourable Len Derkach

THE BOARD

MR. R. T. SMITH, Q.C.	PRESIDING MEMBER
MR. CROMER ASHCROFT	DEPUTY PRESIDING MEMBER
MR. THOMAS ARTHUR COWAN	MEMBER
MR. IVAN CAREY	MEMBER
MRS. M. HEAMAN	MEMBER

COUNSEL

MR. NEVILLE D. SHENDE, Q.C.	BOARD SOLICITOR

THE RESPONSIBILITIES OF BOARD MEMBERS

The Act provides for The Surface Rights Board and empowers the Board to administer and enforce The Act. The Board is presently composed of five Members, one of whom is the Presiding member and another who is designated the Deputy Presiding Member.

Members are appointed by the Lieutenant Governor in Council and represent various geographic, social and economic sectors of the province.

In discharging its responsibility for administration of The Act, the Board may:

(a) Hold sittings from time to time at such times and places in the province as it may deem expedient;

(b) Enter upon and inspect or authorize any Member of the Board or other person to enter upon and inspect any place, building, works or other property directly or indirectly involved in any matter before the Board;

(c) Appoint, or direct, to inquire into and report upon, any matter before the Board. The Members are not full time Board Members, but are paid on a per diem basis.

THE PURPOSE OF THE SURFACE RIGHTS ACT

The Surface Rights Act was proclaimed to be in force August 9, 1983.

The purposes of The Act are:

(a) To provide for a comprehensive procedure for acquiring and utilizing surface rights.

(b) To provide for payment of just and equitable compensation for the acquisition and utilization of surface rights.

(c) To provide for the maintenance, preservation and restoration of the surface of land acquired in connection with surface rights.

(d) To provide for the resolution of disputes between operators, occupants, and owners arising from the entry upon, use or restoration of the surface of the land.

POWERS OF THE BOARD

Fulfilling its mandate to provide for the concerns of both landowners and the oil industry in Manitoba, the Board is empowered to:

(a) Administer and enforce the Act and the regulations.

(b) Carry out surveys and research programs and obtain statistics for the purposes of the Board.

(c) Conduct hearings and investigations and determine and prescribe the scope thereof.

(d) Require any person to submit to it such returns in such form as it may require.

(e) Prohibit or require the doing of any act by any of the parties to an application which is before the Board.

(f) Provide mediation services upon the request of the party to a dispute concerning surface rights.

SURFACE RIGHTS BOARD ACTIVITY 1991/92

April 1, 1991 to March 31, 1992

Quarterly Activity Report

	April 1 June 30 1st Q.	July 1 Sept. 30 2nd Q.	Oct. 1 Dec. 31 3rd Q.	Jan. 1 Mar. 31 4th Q.
Signed Agreements For Surface Leases				
Brought Forward	1260	1293	1318	1333
Received	33	25	15	9
Carried Forward	1293	1318	1333	1342
Review of Compensation Applications				
Brought Forward	36	3	5	5
Received	-	2	-	-
Settled or Closed	33	-	-	-
Carried Forward	3	5	5	5
Right of Entry Applications				
Brought Forward	2	-	-	-
Received	-	1	-	-
Settled or Closed	2	1	-	-
Carried Forward	-	-	-	-
Tortious Acts				
Brought Forward	3	3	3	3
Received	-	-	-	-
Settled or Closed	-	-	-	-
Carried Forward	3	3	3	3

OTHER APPLICATIONS:

Termination of Board Orders				
Brought Forward	-	-	-	-
Received	-	-	-	-
Settled or Closed	-	-	-	-
Carried Forward	-	-	-	-
Absentee Mineral Rights Owner				
Brought Forward	-	-	-	-
Received	-	-	-	-
Settled or Closed	-	-	-	-
Carried Forward	-	-	-	-
Application For Abandonment Order				
Brought Forward	-	-	-	-
Received	-	-	-	-
Settled or Closed	-	-	-	-
Carried Forward	-	-	-	-
Board Orders Issued	30	-	-	-
Mediation Reports	-	-	-	-

FIVE YEAR ACTIVITY SUMMARY **YEAR ENDED MARCH 31**

	1991/92	1990/91	1989/90	1988/89	1987/88
Signed Agreements	82	100	50	68	156
Applications					
Review of Compensation	2	1	15	38	29
Right-of-Entry	1	5	3	13	5
Tortious Acts	0	1	0	0	1
Termination of Board Order	0	0	0	0	0
Absentee Mineral Rights Owner	0	0	0	0	0
Application for Abandonment Order	0	9	5	1	9
Board Orders Issued	30	5	10	19	48
Mediation Reports	0	1	0	0	0

BOARD ORDERS

In the fiscal year 1991/92, the Surface Rights Board issued a total of 30 Board Orders.

Applicant	Particulars	File Number	Order Number	Date Issued	Decision of Board
Robert Andrew	Variation of Compensation	394-88-A	6/91	Apr. 9/91	$1800.00
Robert Andrew	Variation of Compensation	395-88-A	7/91	Apr. 9/91	$1800.00
Robert Andrew	Variation of Compensation	396-88-A	8/91	Apr. 9/91	$3000.00
Robert Andrew	Variation of Compensation	397-88-A	9/91	Apr. 9/91	$1800.00
Robert Andrew	Variation of Compensation	398-88-A	10/91	Apr. 9/91	$2200.00
Robert Andrew	Variation of Compensation	399-88-A	11/91	Apr. 9/91	$2200.00
Robert Andrew	Variation of Compensation	400-88-A	12/91	Apr. 9/91	$1800.00
Robert Andrew	Variation of Compensation	401-88-A	13/91	Apr. 9/91	$1800.00
Robert Andrew	Variation of Compensation	402-88-A	14/91	Apr. 9/91	$1800.00
Robert Andrew	Variation of Compensation	403-88-A	15/91	Apr. 9/91	$1800.00
Robert Andrew	Variation of Compensation	404-88-A	16/91	Apr. 9/91	$2200.00
Robert Andrew	Variation of Compensation	405-88-A	17/91	Apr. 9/91	$2200.00
Robert Andrew	Variation of Compensation	406-88-A	18/91	Apr. 9/91	$1800.00
Robert Andrew	Variation of Compensation	407-88-A	19/91	Apr. 9/91	$2200.00
Robert Andrew	Variation of Compensation	408-88-A	20/91	Apr. 9/91	$2200.00
Wallace Gabrielle	Variation of Compensation	450-89-A	21/91	Apr. 9/91	$2200.00
Wallace Gabrielle	Variation of Compensation	451-89-A	22/91	Apr. 9/91	$2200.00
Wallace Gabrielle	Variation of Compensation	452-89-A	23/91	Apr. 9/91	$1800.00
Wallace Gabrielle	Variation of Compensation	453-89-A	24/91	Apr. 9/91	$2200.00
Wallace Gabrielle	Variation of Compensation	454-89-A	25/91	Apr. 9/91	$2200.00
Wallace Gabrielle	Variation of Compensation	455-89-A	26/91	Apr. 9/91	$2200.00
Wallace Gabrielle	Variation of Compensation	456-89-A	27/91	Apr. 9/91	$1800.00
Wallace Gabrielle	Variation of Compensation	457-89-A	28/91	Apr. 9/91	$2200.00
Wallace Gabrielle	Variation of Compensation	458-89-A	29/91	Apr. 9/91	$2200.00
Wallace Gabrielle	Variation of Compensation	459-89-A	30/91	Apr. 9/91	$2200.00
Wallace Gabrielle	Variation of Compensation	460-89-A	31/91	Apr. 9/91	$2200.00
Wallace Gabrielle	Variation of Compensation	461-89-A	32/91	Apr. 9/91	$1800.00
Wallace Gabrielle	Variation of Compensation	462-89-A	33/91	Apr. 9/91	$2200.00
Wallace Gabrielle	Variation of Compensation	463-89-A	34/91	Apr. 9/91	$2200.00
Omega Hydrocarbons	Right of Entry	487-91-A	35/91	Sept. 25/91	Consent Order